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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,827	09/01/2000	Glenn D. Rasmussen	240703-1110	6068

23506 7590 12/17/2003

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EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,827

Applicant(s)

RASMUSSEN, GLENN D.

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-44 are pending in this application.

Response to Arguments

2. Applicant's arguments filed 10/02/03 have been fully considered but they are not persuasive.

The applicant argues, "Baisley does not disclose or suggest any metadata model having a lower layer containing one or more model objects having a lower degree of abstraction and a higher layer containing one or more model objects having a higher degree of abstraction."

In response to applicant's arguments, the recitation "Baisley does not disclose or suggest any metadata model having a lower layer containing one or more model objects having a lower degree of abstraction and a higher layer containing one or more model objects having a higher degree of abstraction" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

The applicant argues, "Baisley does not disclose any transformation of object within a model or creation of new objects within a model for presenting the same object or table in its underlying database."

The examiner disagrees the above argument because any transformation of object within a model is not in the claim, therefore, Baisley teach the claimed creating objects from the lower layer model (col. 3, lines 29-45). Furthermore, the claim only addresses the creating objects from the lower layer but does not explicitly indicate within the same model.

The applicant argues, "those rules are different for the transformation recited in the claim of the present application which transforms objects in a model in a model into different objects within the same model."

The examiner respectfully disagrees with the above argument because firstly the claim does not limit to the same model. Secondly, the business intelligence as in the claim is real by the transformation rules (col. 3, lines 27-28). The business intelligence is the just rule because it does not define or what "business intelligence" is.

Claims 2-8 are rejected for the same reason as claim 1.

The applicant also argues, "Baisley does not disclose any metadata model having layers, especially, a data access layer, a business layer and a package layer."

The examiner respectfully disagrees with the applicant argument because Baisley teaches physical and logical layers these can be interpreted broadly as layers claimed (col. 1, lines 46-50).

The applicant also argues that, "Fink does not disclose any transformation which can construct model objects of a higher degree of abstraction based on model objects of a lower degree of abstraction."

The examiner respectfully disagrees with the above argument because Fink discloses the system that creates the LDM and PDM (col. 6, lines 38-45). This LDM is the lower layer and the PDM is the higher layer since. The claim does not address that LDM is not a lower layer and the PDM is a the higher layer; therefore, Fink's teaching reads on the claimed limitation.

The applicant also argues that "Fink does not disclose or suggest use of any transformation to refine business rules."

The examiner respectfully disagrees with the above argument because as taught in Fink, DIA creates LDM, PDM and PDD and DDL (col. 8, lines 1-3). Furthermore, Fink's DIA refines the characteristic of the data and identifies the client data sources (col. 8, lines 22-24) and SME refines the business rule metadata based on the created data by the DIA (col. 8, lines 18-22).

Claims 10-34 and 37-42 are rejected under the same reason as independent claims 9 and 36.

3. Please see Office action mailed 5/21/03 for the rejection of claims 1-44.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

Application/Control Number: 09/653,827
Art Unit: 2172

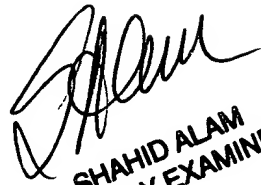
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(703) 746-7239 [Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

Baoquoc N. To
Dec 10, 2003


SHAHID ALAM
PRIMARY EXAMINER